

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RIGHT TO LIFE OF MICHIGAN; AMERICAN
ASSOCIATION OF PRO-LIFE
OBSTETRICIANS AND GYNECOLOGISTS,
on behalf of itself, its members, and their
patients; GINA JOHNSON, Representative,
Michigan House of Representatives; LUKE
MEERMAN, Representative, Michigan House
of Representatives; JOSEPH BELLINO, JR.,
Senator, Michigan Senate; MELISSA
HALVORSON, M.D.; CHRISTIAN MEDICAL
AND DENTAL ASSOCIATIONS, on behalf of
itself, its members, and their patients;
CROSSROADS CARE CENTER; CELINA
ASBERG; GRACE FISHER; JANE ROE, a
fictitious name on behalf of preborn babies;
ANDREA SMITH; JOHN HUBBARD; LARA
HUBBARD; SAVE THE 1, on behalf of itself
and its members; and REBECCA KIESSLING,

Plaintiffs,

v

GRETCHEN WHITMER, in her official
capacity as Governor of the State of Michigan;
DANA NESSEL, in her official capacity as
Attorney General of the State of Michigan; and
JOCELYN BENSON, in her official capacity as
Secretary of State of the State of Michigan,

Defendants.

No. 1:23-cv-01189

HON. PAUL L. MALONEY

MAG. RAY KENT

**DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS'
AMENDED COMPLAINT**

**ORAL ARGUMENT
REQUESTED**

Robert J. Muise (P62849)
David Yerushalmi (Ariz. Bar No. 009616;
DC Bar No. 978179; Cal. Bar No. 132011;
NY Bar No. 4632568)
American Freedom Law Center
Attorneys for Plaintiffs
P.O. Box 131098, Ann Arbor, MI 48113
(734) 635-3756
rmuise@americanfreedomlawcenter.org
dyerushalmi@americanfreedomlawcenter.org

Linus Banghart-Linn (P73230)
Kyla Barranco (P81082)
Rebecca Aboona (P81977)
Attorneys for Defendants
Mich. Dep't of Attorney General
P.O. Box 30212
Lansing, MI 48909
(517) 335-7622
Banghart-LinnL@michigan.gov
BarrancoK@michigan.gov
AboonaR@michigan.gov

William Wagner (P79021)
Great Lakes Justice Center
Attorney for Plaintiffs
5600 W. Mount Hope Highway, Suite 2
Lansing, MI 48917
(517) 993-9123
Prof.wwjd@gmail.com

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT**

Defendants Governor Gretchen Whitmer, Attorney General Dana Nessel, and Secretary of State Jocelyn Benson, through counsel, bring this motion under Fed. R. Civ. P. 12(b)(1) and (6), and ask this Court to enter an order dismissing Plaintiffs' amended complaint for the reasons set forth in the accompanying brief.

Defendants' counsel discussed the filing of this motion with Plaintiffs' counsel on March 18, 2024, and Plaintiffs' counsel indicated that the motion will be opposed.

Respectfully submitted,

/s/ Kyla Barranco
Kyla Barranco (P81082)
Linus Banghart-Linn (P73230)
Rebecca Aboona (P81977)
Attorneys for Defendants Whitmer,
Nessel, and Benson
P.O. Box 30212
Lansing, MI 48909
BarrancoK@michigan.gov
Banghart-LinnL@michigan.gov
AboonaR1@michigan.gov
(517) 335-7628

Dated: March 19, 2024